

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LOREN OWENS,

Plaintiff,

Case No. 1:24-CV-00547

Hon. Jane M. Beckering

v

**ADROIT HEALTH GROUP, LLC d/b/a
STRATA HEALTH GROUP & ADROIT
INSURANCE SOLUTIONS LLC,
AMERICAN BUSINESS ASSOCIATION,
TYLER LONG, AND WESLEY CUNHA,
DOES 1-133,**

Defendants.

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Group, LLC and American Business*

**UNOPPOSED PLAINTIFF’S SECOND MOTION
TO EXTEND TIME TO SERVE DEFENDANTS, DOES 1-133**

INTRODUCTION

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff Loren J. Owens (“Plaintiff”), moves for entry of an order extending the time within which to effectuate service on John Doe Defendants 1-133, and States;

Rule 4(m) of the Federal Rules of Civil Procedure provides that the summons and complaint shall be served on the defendant within 90 days after filing of the complaint. If the deadline is not met, the Rule allows for the Court to direct that service be effected within a specified time. A complaint in this action was filed on May 24, 2024. Under Rule 4(m), the deadline to serve the Defendant is August 22, 2024.

Plaintiff filed a timely request for an extension of services to serve the Defendants 1-133 on August 21, 2024 [\[ECF 22\]](#), which the court granted on August 22, 2024 [\[ECF 23\]](#). Extending the time to serve the Doe Defendants to November 25, 2024.

Plaintiff took steps to attempt to identify Defendants using open-source intelligence; however, was unable to find Defendants true names. So, Plaintiff filed for expedited discovery on September 3, 2024 [\[ECF 26\]](#). A motion hearing was Set for September 16, 2024, at 1:30 PM in Person. [\[ECF 36\]](#), due to a conflict of all parties but the court, it had to be rescheduled till September 25, 2024. [\[ECF 39\]](#).

At the hearing, the court granted in part and denied in part Plaintiff's request for discovery, allowing Plaintiff to serve one Fed. R. Civ. P. 45 subpoena on the Wholesale Communication Provider Sinch and directing the parties to file a joint proposed order within in five days. [\[ECF 44\]](#).

Plaintiffs attempted to work with the identified named Defendants and provided a copy of the proposed order on September 26, 2024. Plaintiff heard that opposing counsel would get a red-line version back before the deadline. However, Plaintiff heard nothing from opposing counsel on the proposed order after that one email. To comply with the court order, the Plaintiff filed a response as ordered by the court just before the deadline on September 30, 2024. [\[ECF 45\]](#). The named identified Defendants as not in agreement with the order as Proposed by Plaintiff, and instead of working with Plaintiff, filed an untimely competing motion on October 1, 2024. [\[ECF 46\]](#).

Magistrate Judge Green entered an order on October 25, 2024, for the parties to file a joint proposed order in 14 days consistent with the court's direction from the September 25 hearing and

warned the parties of a possible show cause hearing for contempt or otherwise sanction for violation of the order. Warning that cost may be awarded against an uncooperative party. [\[ECF 56\]](#).

The parties filed a Proposed Stipulated Order Granting in Part and Denying in Part Plaintiff's Ex Parte Motion as to Defendant Does 1-133 For Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference. [\[ECF 57\]](#). Magistrate Judge Green signed the order on November 8, 2024 [\[ECF 58\]](#).

Plaintiff filed notice via email to all named identified Defendants of Notice of Subpoena as required by Fed. R. Civ. P. 45(a)(4). Plaintiff was serving the court-authorized Subpoena on Sinch as in the order of [\[ECF 58 & 58-1\]](#).

Plaintiff served by USPS Certified Priority Mail the Subpoena on Sinch Certified Tracking Number 7021 0350 0002 0897 1465, Priority Tracking 9405 5301 0935 5058 0886 37. Plaintiff, per Sinch's policy, provided tracking and case information to Sinch's counsel on November 9, 2024, via email. Scott Kellog with Sinch responded via email on November 14, 2024, saying that he anticipated that he would be able to comply with the subpoena on November 25, 2024.

As Sinch is a wholesale telecommunication provider, Plaintiff anticipates the need to seek court approval for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference to the company identified by the currently issued subpoena.

As the Plaintiff was required to serve Defendants 1-133 by November 22, 2024, Plaintiffs will not be able to do this due to no fault of their own.

Plaintiffs respectfully request an extension of time to serve the Defendants. Plaintiffs make this request in good faith and have good cause for the relief they seek. Plaintiffs have made multiple diligent attempts to identify and serve Defendants.

1. This is a Telephone Consumer Protection Act case against multiple parties, including Doe Defendants 1-133, known only by phone numbers; Doe Defendants 1-133 true identity is known by their Telephone Service Provider.
2. On May 24, 2024, this court accepted a multicount complaint for filing. Summonses were issued back for service on May 29, 2024.
3. Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than August 22, 2024
4. Efforts to identify Defendants 1-133 through means without the use of discovery tools have failed. The plaintiff will be filing a motion to seek discovery prior to rule 26(f) conference on Doe Defendants 1-133 Telephone Service Provider
5. Due to difficulty in locating some of the defendants, service has not been effectuated.
6. Plaintiff's counsel placed several calls to Doe Defendant(s) employees/agents to notify them of the pending litigation and ask for the company's name and legal counsel address. Doe Defendant employee/agents said words to the effect of "good luck finding us." Doe Defendant's employee/agents even blocked Plaintiff Counsel's Business and Personal phone numbers so he can't reach out to them via phone.
7. Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended an additional ninety (90) days. and thus, the deadline to effect service will be extended to February 22, 2024. This extension

should allow Plaintiff sufficient time to conclude its investigation, amend the complaint, and place for service with the process server.

8. This motion is made in good faith and not for the purpose of undue delay
9. Good cause, therefore, exists to extend the time limit for the server an additional 90 days.
10. This is the Plaintiffs first request for an extension. None of the parties will be prejudiced by granting of this extension.

WHEREFORE, for the reason stated above, Plaintiff requests that the period to serve the defendants be extended for an additional 90 days. A proposed order is attached for the Court's convenience.

Dated: November 20, 2024

Respectfully submitted,
By: /s/ Joshua S. Goodrich, J.D., LL.M.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of November 2024, a copy of the foregoing PLAINTIFF FIRST MOTION TO EXTEND TIME TO SERVE DEFENDANTS DOES 1-133 was filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

By: /s/ Joshua S. Goodrich, J.D., LL.M.
JOSHUA S. GOODRICH, J.D., LL.M.